

**STATE OF MICHIGAN  
DEPARTMENT OF LABOR & ECONOMIC GROWTH  
OFFICE OF FINANCIAL AND INSURANCE SERVICES**

**Before the Commissioner of the Office of Financial and Insurance Services**

**In the matter of:**

**PayPal, Inc.  
2211 North First Street  
San Jose, California 95131**

**Enforcement Case No. 07-5357**

**Respondent**

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Issued and entered,  
on 11 April 2008  
by Frances K. Wallace  
Chief Deputy Commissioner

**CONSENT ORDER**

**I.**

**BACKGROUND**

On or about July 9, 2007, the Office of Financial and Insurance Services (OFIS) received an application from PayPal, Inc. (Respondent), for a money transmission services provider license under the Money Transmission Services Act (MTSA), Act 250 of 2006, MCL 487.1001 *et seq.* Respondent is not presently licensed by OFIS pursuant to the MTSA to provide money transmission services in the State of Michigan. In reviewing the past practices of Respondent, OFIS staff determined that contrary to the MTSA, Respondent conducted money transmission services without a license from the Commissioner of OFIS. OFIS and Respondent have now conferred for purposes of resolving this matter and determined to settle this matter pursuant to the terms set forth below.

## II.

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. At all times pertinent to the matter herein, Respondent was not licensed by OFIS to engage in money transmission services.

2. The Commissioner of OFIS has jurisdiction and authority to adopt and issue this Consent Order, pursuant to the Michigan Administrative Procedures Act ("MAPA"), MCL 24.201 *et seq.*

3. During OFIS's investigation of Respondent's application for licensure under the MTSA, OFIS staff discovered that from January 1, 2007, to July 9, 2007, Respondent conducted money transmission services in the State of Michigan.

4. Section 3(c) of the MTSA, MCL 487.1003(c), states, "'Money transmission services' means selling or issuing payment instruments or stored value devices or receiving money or monetary value for transmission...."

5. Section 11(1) of the MTSA, MCL 487.1011(1), states, "Except as otherwise provided in this section and subject to section 4, a person shall not provide money transmission services in this state after December 31, 2006 without a license under this act or a class I license issued under the consumer financial services act, 1988 PA 161, MCL 487.2051 to 487.2072."

6. Respondent is not exempt from licensure under the MTSA.

7. Respondent conducted money transmission services without the requisite license certificate required under Section 11(1) of the MTSA.


## III.

### ORDER

Therefore it is ORDERED that:

1. Respondent shall comply with Section 11(1) of the MTSA.
2. Respondent shall pay the State of Michigan, through OFIS, a civil penalty in the amount of \$95,000.00. The fine shall be paid on or before 30 days of the date of entry of this Order.
3. Respondent shall maintain a program to monitor and ensure compliance with the MTSA.
4. Respondent shall educate its officers and appropriate employees with respect to all state and federal consumer laws and regulations, including the MTSA.
5. Respondent shall maintain a compliance officer to ensure that Respondent is in compliance with applicable state and federal laws, rules, and regulations. Respondent has provided written notification to OFIS of the compliance officer's name and business address. Respondent shall notify OFIS of any change in designation of the compliance officer within 30 days of such re-designation.

The Commissioner retains jurisdiction over the matters contained herein and has the authority to issue such further Order(s) as she shall deem just, necessary, and appropriate in accordance with the provisions of the MTSA. Failure by the Respondent to abide by the terms and provisions of this Order may result in the commencement of additional proceedings.

  
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Frances K. Wallace  
Chief Deputy Commissioner